

Application Serial No.: 10/646,192
Attorney Docket No.: 0260257

REMARKS

This is in response to the *Final* Office Action of January 22, 2010, where the Examiner has rejected claims 4-16, 18-35, 37, 41, 42, 52-59, 61, 63, 72-129, 134-169, and claims 43-48, 60, 62, 64-68 and 130-133 have been withdrawn from consideration, which are hereby cancelled by applicant. By the present amendment, applicant has also amended claims 4, 10, 18, 23, 26, 30, 37, 41, 52, 56, 59, 72, 83, 88, 91, 95 and 98. After the present amendment, claims 4-16, 18-35, 37, 41, 42, 52-59, 61, 63, 72-129, 134-169 will be pending in the present application. In view of the following remarks, applicant respectfully requests an early notice of allowance for claims 4-16, 18-35, 37, 41, 42, 52-59, 61, 63, 72-129, 134-169.

A. Rejection of Claims 4-16, 18-35, 37, 41-42, 52-59, 61, 63, 72-129 and 134-169 under 35 USC § 112, ¶ 1

The Examiner has rejected claims 4-16, 18-35, 37, 41-42, 52-59, 61, 63, 72-129 and 134-169, under 35 USC § 112, ¶ 1, as failing to comply with the written description requirement. By the present amendment, applicant has amended claims 4, 10, 18, 23, 26, 30, 37, 41, 52, 56, 59, 72, 83, 88, 91, 95 and 98 to overcome the Examiner's rejection by removing the limitations referenced by the Examiner.

B. Rejection of Claims 124 and 125 under 35 USC § 112, ¶ 2

The Examiner has rejected claims 124 and 125, under 35 USC § 112, ¶ 2, as being indefinite. By the present amendment, applicant has amended claim 124 to depend from claim

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122. Accordingly, applicant respectfully submits that the Examiner's rejection of claims 124 and 125, under 35 USC § 112, ¶ 2, has been overcome.

C. Rejection of Claims 4-16, 18-35, 37, 41, 42, 52-59, 61, 63, 72-129, 134-169
under 35 USC § 103(a)

The Examiner has rejected claims 4-16, 18-35, 37, 41, 42, 52-59, 61, 63, 72-129, 134-169, under 35 USC § 103(a), as being unpatentable over Hunter, et al. (U.S. Pub. No. 2002/0056118) ("Hunter") in view of Weaver, et al. (U.S. Pub. No. 2002/0015496) ("Weaver"), and further in view of Shimomura, et al. (U.S. Pat. No. 6,473,858) ("Shimomura").

By the present amendment, applicant has amended independent claim 4 to recite "wherein said associated metadata includes a start date associated with said at least one full movie causing said set-top box not to allow said at least one full movie to be viewed, after said at least one full movie having been stored in said set-top box, until a later date indicated by said start date." Applicant respectfully submits that the claim amendments are at least supported by the following excerpts from the present application:

[0014] Movies transmitted to the set-top box also come with associated information that defines certain characteristics of the movie. This associated information is called metadata. For example, a movie may have an associated start and end date or time which limits the time period in which a movie can be viewed. A movie may arrive and be stored in the set-top box, however it may have a start date associated with it which does not allow it to be viewed until that date. This allows for any discrepancies in transmission times for movies that may vary from one location to another, and also allows for movies such as new releases to be "pre-loaded" and immediately available on the official release date. Similarly, the content provider may supply an end date associated with a movie, after which date the movie can no longer be viewed, and is automatically deleted from the set-top box.

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[0182] Metadata governs many aspects related to the content on the set top box. The metadata defines many of the rules by which content on the set top box is managed. For example, a movie may have an associated start and end date or time which limits the time period during which a movie can be viewed. A movie may arrive and be stored in the set-top box, however it may have a start date associated with it which does not allow it to be viewed until a later date. This allows for any discrepancies in transmission times for movies that may vary from one location to another, and also allows for movies such as new releases to be "pre-loaded" and immediately available on the official release date. Similarly, the content provider may specify an end date associated with a movie, after which date the movie can no longer be viewed, and is automatically deleted from the set-top box.

Applicant respectfully submits that there is no disclosure, teaching or suggestion in Hunter or any of the other cited references that the metadata include a start date, such that after the movie has already been downloaded and ready to be viewed, the start date causes the set-top box to not allow the movie to be viewed until a later date indicated by the start date. For example, a relevant portion of Hunter that is cited by the Examiner, vis-à-vis rejection of claim 26 and other claims, provides:

[0065] Encoded programming data as a datastream via satellite downlink through antenna 24 is transmitted to a decoder 82. Decoder 82 looks for headers in the datastream indicating movies or other content that have been preselected for recording. The programming data includes video/audio content data, content availability/scheduling data and content pricing data. Decoded preselected movie data is transmitted via CPU 80 to a high speed memory buffer 84 (with or without high capacity storage capability) and then written to a high density record/playback drive 86, such as a DVD drive associated with the DVD platter 46. In certain embodiments, the high speed memory buffer 84 may utilize a magnetic drive, a magneto-optical drive, an optical drive, or other suitable drive. Buffer 84 may utilize DRAM, flash memory, SRAM or other suitable memory media such as digital tape. (emphasis added.)

[0068] The content availability/scheduling data, content pricing data and time-based security codes B (discussed below) are transmitted at periodic intervals (e.g., every ten minutes, every hour or every day, as deemed most

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desirable by the video distribution system operator) and are routed from CPU 80 to RAM 88 where the information is stored and available.

[0139] Thus, one advantage of a large storage capacity at storage module 230 is that a customer may maintain a significant number of movies in storage for a considerable period of time before having to make a decision on whether to view (and pay for) a particular movie. However, this large storage capacity opens up other possibilities, as well. For example, according to one manner of carrying out the invention, the system operator may automatically (i.e., without requiring customer preselection) download certain very popular movies (usually very popular new releases) to every customer storage module on a periodic basis, such as one featured movie every day. At one automatically downloaded movie per day to each customer, a fifteen movie storage capacity and a "first in, first out" write-over protocol would permit each automatically downloaded movie to remain in storage module 230 and available for on-demand viewing for approximately two weeks, with the exact time depending upon how many customer-selected movies are downloaded during that period. Thus, over any two week period, the system operator may automatically make available (at one automatic download per day) 14 popular movies for all customers, without the customers having to preselect anything. Of course, the preselection option for all catalog movies remains available at all times. It will be appreciated that the automatic downloading of movies to all customer user stations can be readily achieved by the system operator simply communicating (e.g., daily) to all user stations the ID header information for that day's automatically downloaded movie or movies. The user station downloads movies to the intermediate storage in storage module 230 just as if the recording had been preselected by the customer. The graphical user interface alerts the customer that the recordings are available by a cue such as "YOU'VE GOT FLICKS". (emphasis added.)

It is respectfully submitted that the "time-based key" in Hunter merely has an end date or an expiration date, as typical keys do for security purposes, but there is no indication in Hunter that any of the time-based keys include a beginning date, i.e. after they are issued to a user, they remain unusable until a start date. Even then, the previous key remains in effect until a new key is useable and, thus, there is no period of time during which a movie has been downloaded but is not viewable until a certain date according to metadata associated with the movie. Hunter discloses and teaches that, as soon as a movie is downloaded, it is ready for viewing. There is

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no metadata to indicate a beginning date that is a later date after completion of downloading of the movie. Further, the content availability/scheduling data in Hunter indicate when pre-selected movie is available for downloading and storage, and there is no disclosure in the references that after the content has already been downloaded and ready for viewing, there is still metadata in the set-top-box to cause the set-top-box to disallow viewing of the content.

Accordingly, claim 4, as amended, is patentably distinguishable over the cited references and should be allowed. Further, independent claims 10, 18, 23, 26, 30, 37, 41, 52, 56, 59, 72, 83, 88, 91, 95 and 98 have been amended to include limitations similar to those of claim 4 discussed above. Therefore, independent claims 4, 10, 18, 23, 26, 30, 37, 41, 52, 56, 59, 72, 83, 88, 91, 95 and 98, and their respective dependent claims should be allowed.

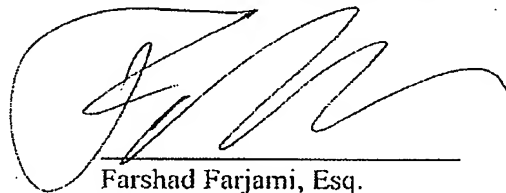
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D. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 4-16, 18-35, 37, 41, 42, 52-59, 61, 63, 72-129, 134-169 pending in the present application is respectfully requested.

Respectfully Submitted,
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